

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HEMANT MEHTA, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

CADBURY SCHWEPPE'S SBS, INC.,
SNAPPLE BEVERAGE CORPORATION,
SNAPPLE DISTRIBUTORS, INC., and JOHN
DOES 1-50 (representing one or more persons or
entities involved in the manufacture, sale and/or
distribution of the products identified herein but
whose identity is currently unknown),

Defendants.

Civil Action No. 07-CIV-6262 (LMM)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Defendants Cadbury Schweppes SBS, Inc. (an improperly named defendant as it is not responsible for the manufacturing or marketing of Snapple products), Snapple Distributors, Inc. (an improperly named defendant as it is not responsible for the manufacturing or marketing of Snapple products), and Snapple Beverage Corporation's Motion to Dismiss, the undersigned will move this Court, before The Honorable Lawrence M. McKenna, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date designated by the Court, for an order dismissing Plaintiff's Complaint in its entirety with prejudice, and granting such other relief as this Court may deem just and proper.

BAKER BOTTS L.L.P.

Dated: August 29, 2007

/s/ Seth T. Taube
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Attorneys for Defendants

CERTIFICATION OF SERVICE

I, Maureen P. Reid, hereby certify that on this 29th day of August, 2007, a true and correct copy of Defendants' Notice of Motion to Dismiss, Memorandum in Support of Motion to Dismiss (and attached exhibits), and proposed Order were served via electronic filing and regular first class mail, postage prepaid, upon the following counsel of record:

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MAUREEN P. REID